

GOVERNMENT OF TELANGANA  
ABSTRACT

Technical Education - Permission for establishment of new Technical Institution i.e. Neil Gogte Institute of Technology at Kachvanisingaram(V), Ghatkesar(M), Ranga Reddy District by Keshav Memorial Technical Educational Society, Narayanaguda, Hyderabad, from the Academic Year, 2017-18 - Accorded - Orders - Issued.

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HIGHER EDUCATION (TE) DEPARTMENT

G.O.Rt.No. 100

Dated: 25-05-2018  
Read the following:-

1. From the Chairman, AICTE Letter F.No. CM/PS/Approval 2017-18/2016, dt.14.11.2016.
2. Govt. Letter No.7501/TE/A2/2016-4, dt.29.11.2016 addressed to the Member Secretary, AICTE, New Delhi and the South Central Regional Officer, AICTE, Hyderabad.
3. From the AICTE Letter No. F.No.South-Central/ 2017/1-3348023575, dt.10.04.2017.
4. From the CTE, T.S. Lr. No.E2/3242/2017, dt.06.05.2017
5. Govt. Letter No.2546/TE/A2/2017-1, dt.22.05.2017 addressed to the Member Secretary, South Central Regional Committee, Hyderabad and the Chairman, South Central Regional Committee, Hyderabad.
6. D.O.Letter.No.2546/TE/A2/2017-3, dt.05.06.2017 of the Spl. CS. to Govt. addressed to the Chairman, AICTE, New Delhi.
7. From the Advisor, AICTE, New Delhi Lr.F.No. AICTE /AB/SCR/1-3348023575/2017, dt.23.06.2017.
8. From the Addl. Advocate General, Telangana State Lr. No.304/2017, dt.10.07.2017.
9. Government Memo.No.2456/TE/A2/2018,dated;1-05-2018
10. From the C.T.E., T.S., Hyderabad, Lr.No.E2/3242/2017, dt:19.05.2018

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ORDER:

In the reference 1<sup>st</sup> read above, the Chairman, AICTE, New Delhi has, requested the State Government to communicate views of the State/Union Territory Government regarding AICTE's Approval for establishment of new Technical Educational Institutions etc., during the Academic Year, 2017-18.

2. In the reference 2<sup>nd</sup> read above, a detailed letter was addressed to the Member Secretary, All India Council for Technical Education (AICTE), New Delhi, with copy sent to South Central Regional Office, AICTE, Hyderabad, stating that among others keeping in view of the State Government policy to improve the quality of education in Private, Unaided Colleges in the State of Telangana from the Academic Year 2017-18,the AICTE may thus declare a holiday on the establishment of new Technical Institutions not only with regard to establishment of New Engineering Colleges in the State but may also be extended to B.Pharmacy, MBA/MCA Institutions.

3. But, the AICTE, New Delhi, vide reference 3<sup>rd</sup> read above, gave permission to Keshav Memorial Technical Educational Society for setting up a new B.Tech College in the name of Neil Gogte Institute of Technology, Ghatkeshar Mandal, Ranga Reddy District for the Academic Year, 2017-18, based on which, the Commissioner of Technical Education, Telangana State vide reference 4th read above, requested the Government for further necessary orders.

4. The Government after careful examination of the matter found that the South Central Regional Committee(SCRC), AICTE in their Meeting held on 1.4.2017 had clearly noted in their Minutes that "in view of the Government of Telangana

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State policy decision, permission for establishment of new Engineering College, Pharmacy, Management Institutions kept under abeyance temporarily". But, in the Annexures to these Minutes in Annexure-II, the SCRC "recommended" to the AICTE regarding opening of this new Institution.

5. Therefore, as there was a clear discrepancy in the main Minutes and the Annexures to the Minutes of the Meeting of South Central Regional Committee(SCRC), AICTE, a clarification was requested from the Member Secretary, SCRC, AICTE vide reference 5th read above.

6. The Keshav Memorial Technical Educational Society approached the Hon'ble High Court by way of filing WP No.17505 of 2017 for not granting permission for setting up of the "Neil Gogte Institute of Technology, Ghatkesar(M), Ranga Reddy" and the University not passing orders of affiliation on the ground that permission has not been granted by the State Government.

7. The Government vide reference 6<sup>th</sup> read above, while explaining the discrepancy of views of the South Central Regional Committee, AICTE in their Minutes of the Meeting held on 04.04.2017 and in Annexure -II of the said Minutes, requested the Chairman, AICTE to look into the matter personally and arrange to communicate remarks urgently to the State Government. The Advisor, All India Council for Technical Education vide reference 7<sup>th</sup> read above informed that on the application of institution, the State Government views on the application along with perspective plan had to be sent to the AICTE within a stipulated time and these views shall be taken into account by the Regional Committee. The Advisor, AICTE acknowledged that there was a contradiction in the decision taken by the Regional Committee. However, he mentioned that the AICTE taking into consideration the contradicted recommendation of the Regional Committee meeting held on 01.04.2017 and in the absence of any valid reason or otherwise (this is with reference to the specific application of the Institution) along with the perspective plan, decided to issue approval to this institution, also because there is time limit fixed by the Hon'ble High Court for grant of approval which is by 30.04.2017 for the Academic Year, 2017-18.

8. In the meanwhile, the Hon'ble High Court in its Orders dt.16.06.2017, in WP No.17505 of 2017 filed by Keshav Memorial Educational Society passed the following order:-

"Having regard to the above, the petitioner college i.e. Neil Gogte Institute of Technology, Ghatkesar(M), Ranga Reddy shall forthwith satisfy the Inspection Committee, with regard to the facilities available and to the suggestions pointed out in the report. If the Committee is satisfied with the explanation given by the Petitioner College, the University shall take steps in accordance with law, for granting affiliation, in which event, the Government shall also issue a G.O. to that effect, in view of the judgment of the Divisional Bench in C.V.S. Krishna Murthy Teja Charities Vs All India Council for Technical Education and another decided on 04.07.2003 in WP No.23987/2002 and batch. Thereafter, the AFRC shall display the name of the College on the web, so as to enable the students to exercise their options.

Posted after one week."

9. Aggrieved with the above order, the Government preferred Writ Appeal No.831/2017 against the orders of Hon'ble High Court dt.16.06.2017 in WP No.17505/2017 and also filed a fresh WP No.20825/2017 with a prayer to suspend the proceedings of the AICTE, New Delhi vide F.No.South-Central/2017/1-3348023575, dt.10.04.2017 according permission to the Keshav Memorial Technical Educational Society to establish Neil Gogte Institute of Technology, Ghatkesar(M), Ranga Reddy for the Academic Year, 2017-18.

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10. The Addl. Advocate General, Telangana State vide reference 8<sup>th</sup> read above, informed that "the Hon'ble High Court after hearing the matter at length, had observed that there is a judgment of coordinate Bench in the matter of Self-Financing Rural Engineering College Managements Association vs All India Council for Technical Education (2005(5) ALT 547), wherein the Hon'ble Division Bench held that the State cannot have blanket ban establishment of new Professional Colleges. Although, the Hon'ble Division Bench which heard the above two matters had differed with the opinion expressed by the earlier Division Bench in the light of the law down by the Hon'ble Supreme Court in Government of Andhra Pradesh and others v. J.B Educational Society and others (2005(3) SCC 212) referred the matter to the Full Bench to answer the reference "whether the state is precluded from having a policy not to have new Professional Colleges in the State exercising its power under Section 20 of A.P. Education Act or not?". He further informed that, "while referring the matter to Full Bench, the Hon'ble Division Bench has not granted any interim orders, observing that as long as the Judgment in Self-Financing Rural Engineering College Managements Association v. All India Council for Technical Education (2005(5) ALT 547) stands, the Coordinate Bench cannot grant any interim orders against the ratio decided in the said case".

11. Thus, in the Govt.Memo.9<sup>th</sup> read above, the Commissioner of Technical Education, Telangana, was addressed to verify the details as per the Checklist available for establishing this new College through an Inspection Committee and to confirm whether it fulfills the AICTE norms. The Commissioner of Technical Education, TS., Hyderabad has constituted a Committee to inspect and submit the report in respect of Neil Gogte Institute of Technology at Ghatkesar, Ranga Reddy District. The Inspection Committee has inspected the Neil Gogte Institute of Technology, Ghatkesar, Ranga Reddy District on 11-05-2018 and submitted the Inspection Report on 18.05.2018 in which the Committee inter-alia furnished the particulars as per the Checklist and found that it is fulfilling the AICTE requisite norms.

12. Thus, the Government after careful examination of the entire issue, hereby issue orders permitting the establishment of the Technical Institution i.e. Neil Gogte Institute of Technology at Kachvanisingaram(V), Ghatkesar(M), Ranga Reddy District by Keshav Memorial Technical Educational Society, Narayanaguda, Hyderabad, with an intake of 180 in B.E.(CSE) and intake of 120 in IT courses, from the Academic Year, 2017-18 subject to the outcome of the WA 831 of 2017 in WP No. 17505 of 2017 and WP No. 20825 of 2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RANJEEV R.ACHARYA  
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To  
The Commissioner of Technical Education, Telangana State, Hyderabad.  
The Secretary, Telangana State Council of Higher Education, Hyderabad.  
The Registrar, Osmania University, Hyderabad.  
The Advisor, AICTE, New Delhi.  
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER